

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION

Gorilla Capital OR 201 GFI LLC,

6:16-CV-01020-TC

Plaintiff,

v.

FINDINGS and RECOMMENDATION

Geoff Chisholm,

Defendant.

COFFIN, Magistrate Judge:

This action arises out of an eviction action in the Circuit Court of the State Oregon for the County of Deschutes. Defendant removed the action here.

Presently before the court is plaintiff's second motion (#12) to remand. A bankruptcy stay has been lifted. Defendant did not confer with plaintiff as to his position on the motion despite plaintiff's telephone call and email. Defendant did not file an opposition to the motion.

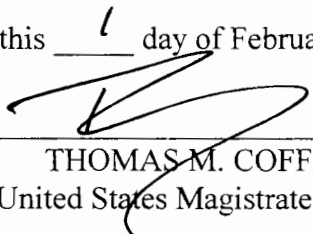
Because there does not appear to be subject matter jurisdiction and defendant has not met his burden of establishing that removal is proper, plaintiff's motion is allowed to the extent the matter should be remanded to the Circuit Court of the State Oregon for the County of Deschutes where

previous State Court rulings may be addressed. The remainder of plaintiff's motion should be denied.

CONCLUSION

Plaintiff's second motion (#12) to remand should be allowed and this action should be remanded to the Circuit Court of the State Oregon for the County of Deschutes where previous State Court rulings may be addressed. The remainder of plaintiff's motion should be denied.

DATED this 1 day of February, 2017.



THOMAS M. COFFIN
United States Magistrate Judge